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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY

UNITED STATES OF AMERICA, Plaintiff, v. CASTELO-Servin, Cristobal Antonio Defendant,	Magistrate Docket No. '08 MJ 2390 Case No. COMPLAINT FOR VIOLATION OF: **Title 18, U.S.C. Section 922(g)(5)** Unlawful Alien in Possession of a Firearm (Felony)

The undersigned complainant, being duly sworn, states:

On July 31, 2008, within the Southern District of California, defendant Cristobal Antonio CASTELO-Servin, an illegal alien, did possess ammunition that traveled in and affected interstate commerce, to wit: five Remington-Peters .25 caliber rounds, in violation of Title 18, United States Code, Section 922(g)(5).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Michael Haynes

Special Agent Michael Haynes
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF AUGUST, 2008.

Jan M. Adler

Hon. Jan M. Adler
U.S. Magistrate Judge

7/31/08

M56

PROBABLE CAUSE STATEMENT

I, Special Agent Michael Haynes, U.S. Immigration & Customs Enforcement ("ICE"), declare under penalty of perjury, the following is true and correct:

Cristobal Antonio CASTELO-Servin came to my attention on the evening of July 31, 2008, upon notification of his detention by agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). CASTELO was encountered by ATF at approximately 5:30 p.m. on July 31, 2008, pursuant to the execution of a search warrant upon his employer, located at 3066 University Avenue, San Diego, California. During the search warrant, five rounds of Remington-Peters .25 caliber ammunition and a Raven Arms .25 caliber pistol were found CASTELO's workspace, to which he admitted ownership. He further claimed to be unlawfully present in the United States, which resulted in my involvement. I requested that he be transported to the federal building in San Diego.

At approximately 9:10 p.m. on the evening of July 31, 2008, CASTELO arrived at the San Diego federal building. A search of his person yielded a Mexican consular identification card in his name and with his photograph upon it. I further discovered a Mexican voting identification card, again with his name and photograph upon it.

On the morning of August 1, 2008, at approximately 5:00 a.m., I queried CASTELO's fingerprints through the IAFIS system. This resulted in a match to CASTELO's alien file and immigration history.

A check of records maintained by the Department of Homeland Security reveal that CASTELO is a citizen and native of Mexico born in Mexico on December 27, 1978. These same records indicate that CASTELO was removed from the United States to Mexico on December 2, 2004, through the port at San Ysidro, California.

I could find no record of CASTELO applying for or receiving permission to lawfully return to the United States after being removed.

On August 1, 2008, I was contacted by ATF Special Agent Brooks Jacobsen, who had researched the aforementioned Remington-Peters ammunition. Special Agent Jacobsen stated that he had determined that the five rounds of Remington-Peters ammunition had been manufactured in one of two places, Lonoke, Arkansas, or Bridgeport, Connecticut. He stated that by its very presence in California, the ammunition had traveled in or affected interstate commerce.